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MEMO ENDORSED

*Attorneys for Defendant,
Patricia M. Lemanski*

**UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF NEW YORK**

SFM REALTY CORP.,

Plaintiff,

v.

PATRICIA M. LEMANSKI,

Defendant.

Civil Action No. 20-CV-00209

**DEFENDANT'S MOTION TO
FILE UNDER SEAL
DEFENDANT'S
MEMORANDUM AND THE
AFFIDAVIT OF PATRICIA M.
LEMANSKI IN OPPOSITION TO
PLAINTIFF'S MOTION FOR
PRELIMINARY INJUNCTION**

Defendant Patricia M. Lemanski respectfully submits this memorandum of law in support of its motion to file under seal Defendant's Memorandum and Affidavit of Patricia M. Lemanski in Opposition to Plaintiff's Motion For Preliminary Injunction (D.I. 5).

Defendant's Memorandum and Affidavit of Patricia M. Lemanski in Opposition to Plaintiff's Motion For Preliminary Injunction include information which the Plaintiff in this matter claims to be proprietary, confidential business information and trade secrets which Plaintiff believes would harm it competitively if publicly disclosed. Accordingly, Defendant

seeks permission to file the Memorandum and Affidavit of Patricia M. Lemanski in Opposition to Plaintiff's Motion for Preliminary Injunction under seal.

Defendant's request should be granted because the harm that Plaintiff has alleged it would suffer as a result of disclosure outweighs the public interest in accessing the information. See *Avocent Redmond Corp. v. Raritan Ams., Inc.*, No. 10-cv-6100, 2012 WL 3114855, at *15-16 (S.D.N.Y. July 31, 2012) (granting the parties' motions to file documents under seal, including "confidential business information").

Moreover, Defendant's Memorandum and Affidavit of Patricia Lemanski in Opposition to Plaintiff's Motion for Preliminary Injunction should be filed under seal because they contain sensitive personal information about Patricia M. Lemanski and her family. *Dodona I, LLC v. Goldman, Sachs & Co.*, 119 F. Supp. 3d 152, 156-57 (S.D.N.Y. 2015) (granting motion to seal sensitive and confidential information of current and former employees of the parties, including their compensation, biographical information, home addresses, and telephone numbers).

Accordingly, this Court should grant Defendant's motion to file Defendant's Memorandum and Affidavit of Patricia M. Lemanski In Opposition to Plaintiff's Motion For Preliminary Injunction under seal.

Respectfully submitted,

/s/ Wendy R. Stein

CERTIFICATE OF SERVICE

I, Wendy R. Stein, hereby certify that on January 19, 2020, a true and correct copy of Defendant's Motion to File under Seal Defendant's Memorandum and the Affidavit of Patricia M. Lemanski in Opposition to Plaintiff's Motion for Preliminary Injunction has been electronically filed and served upon all counsel of record via CM/ECF.

/s/ Wendy R. Stein

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Application GRANTED. Defendant's unredacted memorandum of law and accompanying unredacted affidavit shall be filed under seal.

Dated: January 21, 2020
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE